

**CHAPTER 13 PLAN
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

Debtor: Brian H. Waters SSN: XXX-XX-0162
Joint Debtor: _____ SSN: XXX-XX-
Address: 2001 Old Oaks Drive
Gautier, MS 39553

CASE NO. _____
Median Income: ☐ Above ☐ Below

THIS PLAN DOES NOT ALLOW CLAIMS. Creditors must file a proof of claim to be paid under any plan that may be confirmed. The treatment of ALL secured and priority debts must be provided for in this plan.

PAYMENT AND LENGTH OF PLAN

The plan period shall be for a period of 60 months, not to be less than 36 months for below median income debtor(s), or less than 60 months for above median income debtor(s).

- (A) Debtor shall pay \$ 1200.00 (☒ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the Court, an Order directing payment shall be issued to Debtor's employer at the following address:

Mallette Brothers
3708 Highway 90
Gautier, MS 39553

- (B) Joint Debtor shall pay \$ _____ (☐ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the Court, an Order directing payment shall be issued to Debtor's employer at the following address:

PRIORITY CREDITORS.

Filed claims which are not disallowed are to be paid in full or as ordered by the Court as follows:

Internal Revenue Service: \$ 0.00 at \$ 0.00 /month
Mississippi Dept. of Revenue: \$ 0.00 at \$ 0.00 /month
Other/ _____: \$ _____ at \$ _____ /month

DOMESTIC SUPPORT OBLIGATION. DUE TO: none

POST PETITION OBLIGATION: In the amount of \$ 0.00 per month beginning _____.
To be paid ☐ direct, ☐ through payroll deduction, or ☐ through the plan.

PRE-PETITION ARREARAGE: In the total amount of \$ 0.00 through _____ which shall be paid in the amount of \$ _____ per month beginning _____.
To be paid ☐ Direct, ☐ through payroll deduction, or ☐ through the plan.

HOME MORTGAGES. All claims secured by real property which are to be paid through the plan shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed herein, subject to the start date for the continuing monthly mortgage payment proposed herein.

| | | | |
|--|---------------------------|----------------------|--|
| Mtg pmts to <u>Navy Federal Credit Union</u> | Beginning <u>9/1/2014</u> | @ \$ <u>1,001.15</u> | <input type="checkbox"/> Plan <input checked="" type="checkbox"/> Direct |
| Mtg pmts to <u>SBA</u> | Beginning <u>9/1/2014</u> | @ \$ <u>165.00</u> | <input type="checkbox"/> Plan <input checked="" type="checkbox"/> Direct |
| Mtg pmts to _____ | Beginning _____ | @ \$ _____ | <input type="checkbox"/> Plan <input type="checkbox"/> Direct |

| | | | |
|---|---------------|----------------|----------------------|
| Mtg arrears to <u>Navy Federal Credit Union</u> | Through _____ | \$ <u>0.00</u> | @ \$ <u>0.00</u> /mo |
| Mtg arrears to <u>SBA</u> | Through _____ | \$ <u>0.00</u> | @ \$ <u>0.00</u> /mo |
| Mtg arrears to _____ | Through _____ | \$ _____ | @ \$ _____ /mo |

Debtor's Initials BHW Joint Debtor's Initials _____ Chapter 13 Plan, Page 1 of 3

MORTGAGE CLAIMS TO BE PAID IN FULL OVER PLAN TERM:

Creditor: _____ Approx. amt. due: _____ Int. Rate: _____
 Property Address: _____ Are related taxes and/or insurance escrowed ☐ Yes ☐ No

Creditor: _____ Approx. amt. due: _____ Int. Rate: _____
 Property Address: _____ Are related taxes and/or insurance escrowed ☐ Yes ☐ No

NON-MORTGAGE SECURED CLAIMS. Creditors that have filed claims that are not disallowed are to retain lien(s) pursuant to 11 U.S.C. § 1325(a)(5)(B)(i)(I) until the payment of the debt determined as under non-bankruptcy law or discharge. Such creditors shall be paid as secured claimants the sum set out below or pursuant to other order of the Court. The portion of the claim not paid as secured shall be treated as a general unsecured claim.

| CREDITOR'S NAME | COLLATERAL | 910* CLM | APPROX. AMT. OWED | VALUE | INT. RATE | PAY VALUE OR AMT. OWED |
|-----------------|-------------------|-------------|----------------------|-------------|--------------|---|
| Ally Capital | 2014 Chevy Malibu | | \$19,500.00 | \$19,500.00 | 3% | \$19,500.00 + Contract rate of interest @ 355.58mth |
| | | | | | | |
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* The column for "910 CLM" applies to both motor vehicles and "any other thing of value" as used in the "hanging paragraph" of 11 U.S.C. § 1325

SPECIAL CLAIMANTS including, but not limited to, co-signed debts, abandonment of collateral, direct payments by Debtor, etc. For all abandoned collateral Debtor will pay \$0.00 on the secured portion of the debt. Where the proposal is for payment, creditor must file a proof of claim to receive proposed payment.

| CREDITOR'S NAME | COLLATERAL | APPROX. AMT. OWED | PROPOSED TREATMENT |
|-----------------|------------|-------------------|--------------------|
| none | | | |
| | | | |
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STUDENT LOANS which are not subject to discharge pursuant to 11 U.S.C. §§ 523(a)(8) and 1328(c) are as follows (such debts shall not be included in the general unsecured total):

| CREDITOR'S NAME | APPROX. AMT. OWED | CONTRACTUAL MO. PMT. | PROPOSED TREATMENT |
|-----------------|-------------------|----------------------|--------------------|
| none | | | |
| | | | |
| | | | |
| | | | |
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SPECIAL PROVISIONS which may apply to any or all payments to be paid through the plan, including, but not limited to, adequate protection payments:

GENERAL UNSECURED CLAIMS total approximately \$ 42,860.00. Such claims must be **timely filed** and not disallowed to receive payment as follows: XX IN FULL (100%), 100 %(percent) MINIMUM, or a total distribution of \$ _____, with the Trustee to determine the percentage distribution. **Those general unsecured claims not timely filed shall be paid nothing, absent order of the Court.**

Debtor's Initials BAD

Joint Debtor's Initials _____

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Total attorney fee charged: \$ 3,200.00
Attorney fee previously paid: \$ 690.00
Attorney fee to be paid in plan: \$ 2,510.00

The payment of administrative costs and aforementioned attorney fees are to be paid pursuant to Court order and/or local rules.

Automobile Insurance Co/Agent

Telephone/Fax: _____

Attorney for Debtor (Name/Address/Phone/Email)
James Clayton Gardner, Sr.
3012 Canty Street
Pascagoula, MS 39567

Telephone No. 228-762-6555
Facsimile No. 228-762-6589
Email address debbie@gardnerlawfirmpc.com

DATED: 8/29/14

DEBTOR'S SIGNATURE

JOINT DEBTOR'S SIGNATURE

ATTORNEY'S SIGNATURE




